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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [LE](#) [SY](#)

SUBJECT: LAHOUD'S LEGAL ADVISOR: MILITARY "SOLUTION" IF NO
CONSENSUS PRESIDENT

REF: A. BEIRUT 974

[1](#)B. BEIRUT 708

Classified By: Jeffrey Feltman, Ambassador, per 1.4 (b) and (d).

SUMMARY

[1](#)1. (C) In a 9/7 meeting with the Ambassador, Selim Jeressaiti, Lebanese President Emile Lahoud's legal advisor, stated that Lahoud's thinking regarding the presidential transition has evolved. Even if there is no consensus presidential successor, Lahoud will leave Baabda Palace at the end of his extended term on 11/24. But Lahoud will not hand power to the "illegitimate" Siniora cabinet, nor to a president elected in a parliamentary session with less than two-thirds quorum. Instead, Lahoud will appoint a temporary military government to hold the presidency ad interim until presidential elections can be organized. LAF Commander Michel Sleiman, still opposed to this option, will eventually come around, Lahoud believes. But a consensus president would be a far better solution, Jeressaiti argued, adding that he thought it might be possible to elect a March 14 candidate like Boutros Harb or Robert Ghanem. But March 14 needed to drop any thought of Nassib Lahoud or Charles Rizk. Jeressaiti expressed concern that, once Lahoud left office, the U.S. would harass him and his family with various sanctions. The Ambassador noted that Lahoud would be more likely to be left alone if he left office quietly, without taking decisions such as appointing a military government. Jeressaiti noted that we should expect the downtown Beirut sit-in to be reactivated as intimidation in the electoral period. End summary.

[1](#)2. (C) In a one-on-one meeting on 9/7, former Constitutional Council Judge Selim Jeressaiti, who serves as President Emile Lahoud's legal advisor, told the Ambassador that Lahoud's thinking has evolved since June. Then, Jeressaiti reported (ref A) that Lahoud, refusing to acknowledge the Siniora cabinet since the 11/11/06 Shia ministerial walk-out, would either appoint a second civilian cabinet in September or remain in Baabda Palace beyond the 11/24 expiration of his term. Jeressaiti patted himself on the back for having "finally" convinced Lahoud that there is no legal basis for either option in Lebanon's constitution.

LAHOUD WON'T ALLOW SINIORA CABINET
TO ASSUME AUTHORITIES OF PRESIDENCY

13. (C) But, should MPs fail to elect a consensus presidential successor, Jeressaiti argues, Lahoud faces another constitutional problem: there is no legally recognized cabinet that (per Article 62 of the constitution) can hold the powers of the presidency until presidential elections occur. Siniora's cabinet is illegitimate because of the lack of Shia representation. That Siniora never accepted the resignations does not negate the fact that Lebanon's constitution does not permit a cabinet missing representation from one of Lebanon's major confessions. (We believe that Jeressaiti bases his argument on the constitution's preamble, which notes that "there shall be no constitutional legitimacy for any authority which contradicts the pact of mutual existence.")

14. (C) Thus, Lahoud will find a "military solution." He will appoint a six-person military cabinet, headed by LAF Commander Michel Sleiman, to exercise the authorities of both the presidency and the cabinet until presidential elections can be organized. While Sleiman continues to express what Jeressaiti characterized as sincere objections to such an approach, Lahoud believes that, as 11/24 approaches with no other solution in sight, Sleiman will come around. Jeressaiti acknowledged that the constitutional justification for Lahoud appointment a military government is "weak" (at best), but Lahoud absolutely rejects any possibility that the Siniora cabinet ends up with the powers of the presidency. Likewise, Lahoud would reject a transition to a president elected by absolute majority but in a session without at least two-thirds of the MPs present.

15. (C) To best way to avoid Lahoud's "military solution," Jeressaiti argued, is to promote a consensus president who would be elected in a parliamentary session with at least

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two-thirds of the membership present. Jeressaiti acknowledged that March 14 MPs, assuming bloc solidarity (that appears increasingly tenuous) could theoretically elect their own candidate with an absolute majority vote. But this would only be legitimate, in his view, if there was a two-thirds quorum for any vote, even during the last ten days of Lahoud's mandate (a period which, per Article 73 of the constitution, seems to be treated slightly differently than the rest of the electoral period).

MARCH 14 PRESIDENT: POSSIBLE?

16. (C) Jeressaiti argued that it is not so difficult to come up with that consensus candidate. Parliament Speaker Nabih Berri is ready to make a compromise, but, before negotiating, he must have the March 14 commitment that all votes will be with two-thirds quorum. That condition is Berri's clever way of getting the Syrians on board to give him flexibility on candidates, Jeressaiti said, for the Syrians will know that the only two candidates they absolutely could not abide -- Nassib Lahoud (perceived to be too close the Saudis) and Charles Rizk (responsible for seeing the Special Tribunal established) -- are blocked. Other candidates affiliated with March 14, such as Boutros Harb and Robert Ghanem (with Ghanem's March 14 ties particularly tenuous, we note) are probably acceptable. Jeressaiti tried to solicit the Ambassador's views on Harb in particular.

17. (C) In addition, it is not true that Syria is insisting on Jean Obeid, Jeressaiti argued; the Syrians know that Obeid has called Abdulhalim Khaddam in Paris, which immediately put Obeid on the Syrian blacklist. As for Sleiman and Central Bank Governor Riad Salameh, both require constitutional amendments, Jeressaiti argued ("despite what Riad is telling everyone"). And a constitutional amendment is technically very difficult, although not impossible, to achieve, he argued.

DOWNTOWN SIT-IN TO BE USED FOR INTIMIDATION

¶8. (C) The Ambassador said that the USG remained concerned about intimidation and violence being used to forge an artificial consensus. Jeressaiti said that it is "clear" that the sit-in tents in downtown Beirut (only two blocks from the parliament) will fill again with demonstrators. With the tents all but vacant since earlier this year, Ramadan will be used to get people used to coming downtown again. Hizballah will organize iftars and entertainment, to give the sit-in a festive atmosphere. But, yes, Jeressaiti acknowledged, the point will be intimidation. "You can count on it," he sighed (with a tone of resignation, not support, in his voice).

LAHOUD FRETS ABOUT POST-PRESIDENCY LEGAL ACTION

¶9. (C) Jeressaiti expressed concern that March 14 contacts warned him that the USG planned to pursue Emile Lahoud and his family with various legal actions after Lahoud left office. The Ambassador noted that the USG wanted to see a peaceful presidential transition in Lebanon, with MPs able to elect free a credible president committed to Lebanon's freedom. Lahoud would have less to worry about if he simply let that process play itself out and then left office quietly and uneventfully, without doing something like appoint a military cabinet. Lahoud should also steer clear of any attempts of intimidation. "Understood," Jeressaiti said. Overlapping with the Ambassador at a condolence call the following day (9/8), Jeressaiti said that Lahoud also grasped the meaning of the message.

COMMENT

¶10. (C) Undoubtedly, Jeressaiti would have reviewed his talking points for us with Lahoud (who we doubt has made a final decision about what he will do on 11/24). Despite any evolution in Lahoud's thinking (or in Lahoud's orders from Damascus), there is a consistency to what Jeressaiti has told us previously (reftels): Lahoud will allow neither the "illegitimate" Siniora cabinet nor a presidential successor

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elected with less than two-thirds of the MPs present in the parliament to assume the authorities of the presidency. This means that, unless there is a consensus president, there will be two parallel cabinets, with the Lahoud-appointed cabinet in Jeressaiti's description now taking on more of a military character. The Lahoud-appointed military cabinet would be in competition either with the Siniora cabinet (should there be no presidential elections) or with a president elected by March 14 (by absolute majority but short of the two-thirds membership Jeressaiti insists is necessary for legitimate elections). It is useful, however, that Lahoud is apparently deeply concerned about possible USG legal actions; this is another example of the recent visa ban and Executive Order delivering the intended impact.

¶11. (C) Curiously, Jeressaiti spent considerable effort trying, but failing, to get the Ambassador to comment on Boutros Harb's candidacy. Jeressaiti claimed to want to promote Harb, saying that he would try for Lahoud's blessing if we indicated our support (which we, insisting on staying outside the "name game," did not). Harb, who is Jeressaiti's downstairs neighbor (and whose flamboyant wife Marlene was once romantically involved with Jeressaiti -- at least according to Jeressaiti's rather colorful claims -- before either Harb or Jeressaiti married their current wives), has told us that he believes he has a good chance of being supported by Speaker Berri. In Harb's own mind, Berri's support means that the two-thirds quorum issue would become moot. But Berri has told him that he has to deliver the March 14 bloc's commitment to accept the concept of

two-thirds voting before Berri will announce publicly his support of Harb.

¶12. (C) We suspect Harb is being used. Berri (in his conversation with Harb) and Jeressaiti (in talking to us) are probably playing up Harb as a realistic candidate in order to get us to pressure March 14 leaders into accepting the two-thirds quorum. That condition, of course, gives Berri (along with his Syrian, Iranian, and Hizballah backers) an effective veto over the presidential succession. At that point, we predict, Berri will find all sorts of reasons to drop Harb (who would not be our first choice but whom we find generally acceptable). No matter how hard he tries to reposition himself as a "neutral" candidate, after all, Harb was one of the founding members of the Qornet Shehwan Christian opposition group that began advocating Syria's withdrawal from Lebanon years ago. Qornet Shehwan begat the more confessionally diverse Bristol Group after Lahoud's extension in autumn 2004, and the Bristol Group evolved into the mass March 14 movement six months later. Harb was a leading Christian participant in all three, making us skeptical that, in the end, his purported friend Nabih Berri will have the freedom to select him as Lebanon's next president. We don't underestimate Harb's opportunism, but, to quote Walid Jumblatt, once the Syrians cross someone from their list, their pencil does not seem to have an eraser.
FELTMAN